

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

CYTHIA L. HUTTON,

Plaintiff,

v.

**ANDREW SAUL,
Commissioner of Social Security,¹**

Defendant.

Case No. CIV-17-1259-G

ORDER

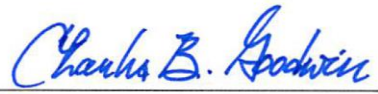
On August 28, 2019, the Court entered an Order and a Judgment reversing the decision of the Social Security Administration and granting Defendant's request to remand this case for further proceedings. *See* Doc. Nos. 22, 23. Now before the Court is Plaintiff's Stipulated Motion for Attorney's Fees Under the Equal Access to Justice Act, 28 U.S.C. §§ 2412 et seq. *See* Pl.'s Stipulated Mot. (Doc. No. 24). Defendant has stipulated to Plaintiff's request of \$5000.00 in fees. *See* Pl.'s Stipulated Mot. at 1.

Having considered Plaintiff's unopposed request and the relevant record, the Court finds that: "(1) [P]laintiff is a 'prevailing party'; (2) the position of the United States was not 'substantially justified'; and (3) there are no special circumstances that make an award of fees unjust" in this case. *Hackett v. Barnhart*, 475 F.3d 1166, 1172 (10th Cir. 2007) (quoting 28 U.S.C. § 2412(d)(1)(A)). Accordingly, the Court GRANTS Plaintiff's request and awards fees in the amount of \$5000.00, with said amount to be paid directly to Plaintiff

¹ The current Commissioner is hereby substituted as Defendant pursuant to Federal Rule of Civil Procedure 25(d).

and sent in care of Kyle J. Saunders, P.O. Box 1605, Ada, Oklahoma 74820. If attorney's fees are also awarded under 42 U.S.C. § 406(b), Plaintiff's counsel shall refund the smaller award to Plaintiff in accordance with *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED this 30th day of October, 2019.



CHARLES B. GOODWIN
United States District Judge